

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANGEL LUNA,

Plaintiff,

v.

Civ. No. 14-1095 GBW

SOCIAL SECURITY ADMINISTRATION,
Carolyn W. Colvin, Acting Commissioner of SSA,

Defendant.

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS

Plaintiff, who seeks judicial review of the denial of his application for social security benefits, filed a Motion for Leave to Proceed in forma pauperis (IFP) on December 3, 2014. *Doc. 2.*

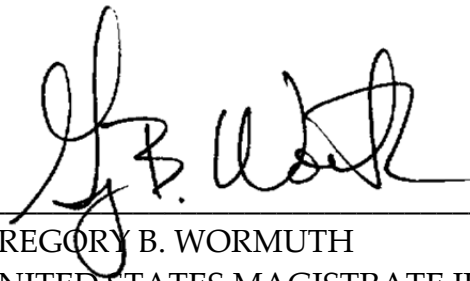
“In order to succeed on a motion to proceed IFP, the movant must show a financial inability to pay the required filing fees, as well as the existence of a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action.” *Lister v. Dep’t of Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005) (citation omitted). 28 U.S.C. § 1915(a)(1) applies to all plaintiffs seeking IFP status. *Id.*; *see also Griffin v. Zavaras*, 336 F. App’x 846, 849 n.2 (10th Cir. 2009).

On December 9, 2014, the undersigned entered an Order to Cure Defects, finding that Plaintiff had not set forth any basis on which the Court could evaluate whether he had “a reasoned, nonfrivolous argument on the law and facts in support of the issues raised in the action.” *Doc. 4.* The Court gave Plaintiff thirty days to cure this defect by

filing an amended complaint or submitting additional briefing. *Doc. 4* at 2. Plaintiff filed his amended complaint on December 16, 2014, setting forth a reasoned argument in support of his claims. I therefore find that Plaintiff has met the second prong of the *Lister* analysis.

Furthermore, Plaintiff's Motion for Leave to Proceed in forma pauperis evidences his inability to pay the filing fee. As such, I find the motion well-taken and hereby GRANT it.

IT IS SO ORDERED.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE